

REGULAR CITY COUNCIL MEETING  
April 28, 1997

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Robert Droubay	Council Member
Dale Roper	Council Member
Glen Swalberg	Council Member

ABSENT

Robert Dekker	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Neil Forster	Public Works Director
Richard Waddingham	City Attorney
Deb Greathouse	City Librarian
Judy Baker	City Treasurer
Greg Schafer	City Employee
Derin Phelps	Millard County Chronicle/Progress

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as Secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Glen Swalberg offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of Public Hearing #1 held April 14, 1997 were presented for consideration and approval. Council Member Gayle Bunker MOVED to approve the minutes of Public Hearing #1 held April 14, 1997 as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of Public Hearing #2 held April 14, 1997 were presented for consideration and approval. Council Member Gayle Bunker questioned the language in the last line of paragraph #2 regarding the Millard County Sheriff's Posse Building. The sentence should be

changed to read: "The property is owned by Millard County and is located just East of, and includes, the Millard County Sheriff's Posse Building." Following discussion, Council Member Glen Swalberg MOVED to approved the minutes of Public Hearing #2 held April 14, 1997 as corrected above. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held April 14, 1997 were presented for consideration and approval. Council Member Robert Droubay requested a correction on Page 7, paragraph 2 referring to a meeting to be held "on Friday, April 18, 1997 at Zions Bank." The sentence should be corrected to read "The first meeting is to be held on Friday, April 18, 1997, by Zions Bank in Delta." On Page 6, paragraph 2, regarding the Library Technology Upgrade Grant, the matching funds from Delta City should be changed from "\$6,500" to "\$5,500" from the Library Trust Fund. Following discussion, Council Member Dale Roper MOVED to approve the minutes of the Regular City Council Meeting held April 14, 1997, as corrected above. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions. There being none, he called for a vote. The motion passed unanimously.

#### ACCOUNTS PAYABLE

There were no accounts payable presented at the meeting.

#### UNFINISHED BUSINESS

There were no unfinished business items on the agenda.

#### NEW BUSINESS

#### MAYOR DON DAFOE: AMENDMENT TO FISCAL YEAR 1996-1997 BUDGET TO INCLUDE LIBRARY GRANTS

Mayor Dafoe stated that a Public Hearing was held on this date, just prior to this meeting, with no adverse comments concerning the proposed amendments. City Attorney Richard Waddingham distributed copies of a proposed Resolution to amend the Fiscal Year 1996-1997 budget as follows:

#### RESOLUTION NO. 97-246

A RESOLUTION AMENDING RESOLUTIONS 96-242 AND 97-245 AND THE BUDGETS ADOPTED THEREBY TO PROVIDE FOR AMENDMENTS TO THE FISCAL YEAR 1996-1997 BUDGET OF THE CITY OF DELTA, UTAH.

Council Member Gayle Bunker MOVED to approve Resolution No. 97-246 amending the Fiscal Year 1996-1997 Budget of the City of Delta, Utah. The motion was SECONDED by Council

Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Gayle Bunker	Yes
Robert Dekker	Absent
Robert Droubay	Yes
Dale Roper	Yes
Glen Swalberg	Yes

The motion passed unanimously.

#### MAYOR DON DAFOE: LIBRARY EXPANSION

Mayor Dafoe reviewed with the Council the discussion held at the April 14, 1997 Regular City Council Meeting regarding architectural fees for the Library expansion. At that time, Mayor Dafoe had contacted the architectural firm of Markham & Markham, who had advised him that their fee schedule would be 8% of the bid price. If the bid price for the building was \$400,000, their fee would be \$32,000. If only plans and specifications to go to bid were requested, their fee would be 80% of the \$32,000 figure.

It was suggested at the April 14, 1997 meeting that Mayor Dafoe contact some other architects, including Sandstrom Architects, of Orem, and Gillies Stranski Brems & Smith, the architects for the Millard County Jail expansion project.

Mayor Dafoe contacted Gillies Stranski Brems and Smith and was also given a fee schedule of 8% of the bid price.

He then contacted Steve Sandstrom, of Sandstrom Architects, who gave him a fee of 4 $\frac{3}{4}$ % to 5% of the contract cost, with 70% of bid estimate for plans and specifications. Mayor Dafoe asked Mr. Sandstrom to send a proposal letter, which he has received. The letter makes the following proposal:

*We propose a fee of 5% of total construction costs. Based on a 5,000 sq. ft. addition @ \$80.00 per sq. ft., total construction costs would be approximately \$400,000.00, with the architectural fee being a total of \$20,000.00. Fees are a "ballpark" figure only based on information received to date. It is my understanding that the city would only want us to proceed up to the construction documents/bidding phase so the city could get a final number for financing purposes.*

*To complete work up through construction document/bidding phase, we would require 75% of our fee. The additional 25% would be billed during the construction phase of the project when it proceeds.*

***Items included in our fee through construction documents/bidding phase:***

*Programming and space utilization study*  
*Cost estimating*  
*Complete set of construction documents*  
*(plans and specifications)*  
*Coordination and approval with State and local agencies*  
*Administration of bidding phase*  
*Interior Design*  
*Painting and decorating design*

***Services provided once construction begins:***

*Construction Administration*  
*Review of quality assurance testing*  
*Site visits during critical construction periods and as needed*  
*Shop drawing review*  
*Substantial completion inspection*  
*One year warranty/follow-up inspection*

***Items Not Included:***

*Soils investigation report*  
*Topographic survey*  
*Printing of construction documents*

Council Member Glen Swalberg, who suggested that Mayor Dafoe contact Mr. Sandstrom, stated that he has not had any contact with Mr. Sandstrom regarding the Delta City Library expansion project.

City Librarian Deb Greathouse asked Mayor Dafoe if Sandstrom had any experience in library construction. Mayor Dafoe advised her that Mr. Sandstrom stated that they have worked with other cities on their libraries.

Mayor Dafoe advised the Council that, if it is determined that this is the firm they would like to contract with for architectural work, Delta City would request that a contract be submitted by Mr. Sandstrom. The contract would be reviewed by City Attorney Waddingham prior to acceptance of the contract by Delta City. There would be no work done until after acceptance of the contract by Delta City.

Following discussion, Council Member Robert Droubay MOVED to accept the initial proposal letter from Sandstrom Architects and request that they submit a finalized contract for architectural work to be reviewed by City Attorney Waddingham prior to Council approval. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any

comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: PLANNING & ZONING COMMISSION APPOINTMENTS.

Council Member Gayle Bunker advised the Council that he has contacted two individuals, Garry Christensen and Dan Sperry, who have agreed to serve on the Planning & Zoning Commission. Mayor Dafoe recommended that Garry Christensen and Dan Sperry be appointed as Members of the Planning & Zoning Commission.

Council Member Gayle Bunker MOVED to approve Garry Christensen and Dan Sperry as Members of the Planning & Zoning Commission. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: DRAFT PURCHASING POLICY

Mayor Dafoe told the Council that he had requested that Attorney Waddingham put this item on the agenda that, for the last two years, our auditor has indicated that we do not have a purchasing policy. The previous purchasing policy was rescinded and Delta City has not adopted a new policy. Delta City was operating in compliance with the State Procurement Code, but the auditors have requested that we adopt a formal purchasing policy.

Attorney Waddingham distributed copies of a proposed Purchasing Policy and stated that he has left several blank spaces in the proposed policy so that the Council can determine what limits they would like to insert in the document with regard to dollar value of purchases requiring bids. The Council discussed, at length, the amounts to be inserted in the proposed policy regarding telephone and written bids. It was determined that purchases amounting to less than \$500, in total, will not require bids of any type; purchases amounting to more than \$500 but less than \$5,000, in total, will require a minimum of two telephone bids; purchases amounting to \$5,000 to \$25,000 will require a written bid, and any procurement in excess of \$25,000 will require legal notice be published in a local newspaper. It was also determined that the Delta City Mayor will be designated as the Purchasing Agent. Attorney Waddingham advised the Council that the procedure for public improvements is governed by State statute.

Mayor Dafoe asked that Council Members read the draft purchasing policy between now and the next City Council Meeting. The matter will be put on the agenda for the City Council Meeting to be held on Monday, May 12, 1997.

MAYOR DON DAFOE: SET PUBLIC HEARING FOR ADOPTION OF FISCAL YEAR 1997-1998 TENTATIVE BUDGET

Mayor Dafoe advised the Council that they will be adopting a tentative budget for the 1997-1998 fiscal year. A public hearing needs to be held prior to the adoption of the tentative budget.

Council Member Gayle Bunker MOVED to set a Public Hearing for 6:45 p.m. on Monday, May 12, 1997 for the purpose of receiving public comment regarding the Fiscal Year 1997-1998 Tentative Delta City Budget. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### OTHER BUSINESS

Mayor Dafoe reported to the Council that the Class C Road Funds for Fiscal Year 1996-97 were estimated at the beginning of the fiscal year at \$74,000. The actual amount of Class C. Road Funds to be received will be about \$80,785. Because of new apportionment laws passed by the Legislature, the estimated Class C Road Funds to be received by Delta City for Fiscal Year 1997-1998 will be approximately \$175,800. Mayor Dafoe has a booklet, from the State of Utah, containing rules and regulations regarding how Class B and Class C Road Funds can be used. These funds can be used for such items as engineering, curb and gutters, sidewalks, salaries for street department personnel, and equipment. Mayor Dafoe will provide each Council Member with a copy of the booklet to review prior to the budget work session.

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Mayor Dafoe received a letter from Paul Sommers regarding the cosmic ray project and was provided with a copy of a draft agenda for a meeting to be held on May 6 and 7, 1997 in Park City for the purpose of discussing plans, communications, etc. for the project. There will also be a press conference by Jim Corona, the project coordinator, from 8:30 a.m. to 12:30 a.m. on May 10, 1997. Also, on May 12, 1997, there will be a contingency in Millard County to visit the proposed site and will hold a late afternoon or evening meeting at the High School Auditorium in Fillmore to discuss the site development studies, status and plans.

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Council Member Robert Droubay mentioned the poor image portrayed by all the "For Sale" vehicles parked near Main Street between 350 East and 400 East. Other Council Members mentioned other locations on Main Street where vehicles are parked with "For Sale" signs. Mayor Dafoe told the Council that he had talked with Matt Loe, owner of the property, about the problem. Mr. Loe is a bonded dealer and he told Mayor Dafoe that he charges individuals a small fee, approximately \$25/month, for parking the vehicles there. Attorney Waddingham stated that he has also talked with Mr. Loe about the problem. It was determined that the Sheriff's Office should be contacted and asked to report "For Sale" vehicles that are parked on Main Street so that owners can be contacted and, if not moved, the vehicles can be towed and impounded. It was felt that the Council should send a letter to Mr. Loe requesting that the area be maintained as a business.

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Public Works Director Neil Forster advised the Council that the irrigation water will be in the ditches on Monday, April 28<sup>th</sup>. Council Member Swalberg asked Public Works Director Forster if he had been advised of a possible broken entry pipe at 63 South 400 West. Public Works Director Forster informed the Council that he was aware of the problem and had talked with the resident at that address.

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Council Member Swalberg mentioned that the most recent County planning meeting was very interesting due to the fact that a large number of the public attending the meetings are not highly in favor of growth. A resolution limiting dairy recruitment was adopted recently.

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Mayor Dafoe reminded the Council that the City Clean-up is this Saturday, May 3<sup>rd</sup> for the North side of Delta and on Saturday, May 10<sup>th</sup> for the South side of Delta. City Recorder Dorothy Jeffery advised the Council that the Millard County Chronicle/Progress had been contacted today to run the letter to the citizens explaining the clean up and to use the banner section at the bottom of the front page reminding citizens of the clean up days.

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Public Works Director Forster advised the Council of the parking problem on 200 West between Main Street and 100 South, where Service Drug has constructed their new store. The parking on 200 West has been 45 degree angle parking but now, with the new parking area and the traffic light at the intersection, Mr. Forster recommends that the Council change the parking on 200 West to parallel parking from Main Street to 100 South. Mr. Foster has discussed the matter with the owners of the building and they concur with the change. At present, the change would be made only on the West side of 200 West.

Mayor Dafoe mentioned that in order to control the parking problem on the East side of 400 West, between Main Street and 50 South, curb and gutter could be installed, which would limit access to the parking area, enforce parallel parking along the curb, and eliminate parking near the off-loading ramp of the IGA store. The curb and gutter could be installed now that the storm drain is completed and before the asphalt is re-done.

City Attorney Waddingham will research whether an ordinance will be required to change the parking on 200 West between Main Street and 50 South and on 400 West between Main Street and 50 South.

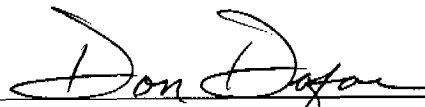
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Mayor Dafoe advised Public Works Director Forster that there is a large hole in the pavement on 50 South between 200 West and 300 West which needs to be filled. Mr. Forster will take care of repairing the hole.

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Mayor Dafoe asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn the meeting. Council Member Dale Roper SECONDED the motion. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe declared the meeting adjourned at 8:40 pm.

  
DON DAFOE, Mayor

  
DOROTHY JEFFERY  
City Recorder

MINUTES APPROVED: RCCM 05-12-97